

FORCHELLI, CURTO, DEEGAN, SCHWARTZ, MINEO & TERRANA, LLP

COUNSELORS AT LAW

THE OMNI
333 EARLE OVINGTON BLVD., SUITE 1010
UNIONDALE, NEW YORK 11553
TELEPHONE: (516) 248-1700
FACSIMILE: 1-866-900-8016

WEBSITE: WWW.FORCHELLILAW.COM

KEITH J. FRANK
PARTNER

August 26, 2015

VIA ECF

Honorable Joan M. Azrack
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 1722

Re: Berlin v. Maxi-Aids, Inc. et al
14-cv-3028 (JMA) (AYS)
Motion for Leave to file Motion to Dismiss

Dear Judge Azrack:

We represent defendants Maxi-Aids, Inc., Elliot Zaretsky Shirley Zaretsky, M&H Inc., ILGAR Inc. a/k/a ABLE-VISION, Larry DiBlasi, Latonya Thompson, Pamela Stein and Therese Butler in the above action. I write in response to plaintiffs' letter dated August 14, 2015, by which plaintiffs are apparently again requesting additional time to move to oppose the motion to dismiss and amend the complaint in the instant action for an unidentified duration.

The above defendants' motion to dismiss the instant action was served in December 2014 with no opposition papers filed to date. As previously noted the present action is a rehash of the prior federal action that was initiated by plaintiffs at 10-cv-3771, which was dismissed with prejudice by the Honorable Sandra Feuerstein pursuant to FRCP 41(b) and 16(f) for plaintiffs' failure to file a RICO statement in accordance with the Court's order. Judge Feuerstein's dismissal was affirmed on appeal to the Second Circuit.

We respectfully request permission to file our motion to dismiss with the court, so that the above defendants can get a resolution of the legal validity of the complaint and a prompt resolution of the baseless claims that have been repeatedly asserted against them.

We thank the Court for its continued consideration of the request that the motion be heard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. J. Frank', with a stylized flourish at the end.

Keith J. Frank, Esq.

Aaron Berlin a/k/a Ahron Berlin
Plaintiff *Pro Se*
1909 New York Avenue
Brooklyn, New York 11210

Feige Zaretsky a/k/a Feige Berlin
Plaintiff *Pro Se*
10 Chestnut Drive
Plainview, New York 11801

Dora Berlin
Plaintiff *Pro Se*
1909 New York Avenue
Brooklyn, New York 11210

David Wacholder
349 East 5th Street
Brooklyn, New York 11218

Counsel for all remaining parties via ECF